

BB
Conclude

in a solvent and applying the mixture to the elongate body to form [and forming] a tissue-contacting surface.

REMARKS

In the Official Action, all pending claims in the application were rejected over the Fearnot and Chait references and/or in view of Fearnot, Chait and Hendriks. The claims of the present application have been amended in an effort to distinguish the invention claimed herein from the teaching of these three references.

In particular, all claims remaining in the case have been amended to specifically require that the tissue contacting surface of the elongated body of the catheter claimed is an overcoating of a non-porous polymer in which a steroidal anti-inflammatory agent is incorporated. This structure is not disclosed in either the Fearnot or Hendriks references which deal with the provision of bioactive materials on catheters, nor in the Chait reference, which merely discloses a catheter similar to that illustrated in the present application. In particular, it should be noted that the bioactive materials in Fearnot are simply painted on an underlying substrate. There is no teaching that they are incorporated within a non-porous polymer. The layer of bioactive materials in Fearnot is provided with an overcoating of porous polymer, through which the materials will, of course, migrate. However, even when the bioactive materials are within the porous layer of Fearnot, they are still not incorporated within a non-porous polymer as would be required by the present claims. In Hendriks, the bioactive materials are covalently bonded to the surface of an underlying medical device, as opposed to being incorporated within a non-porous polymer overcoat applied to the device. As such, all claims in the case are believed clearly patentable over the three cited references alone or in combination. Entry of the above amendment and examination of the amended claims is respectfully requested.

part
of claim

In conjunction with the Office Action, the Examiner requested the removal of the listed cited prior art references from the Background of the Invention section. The above amendment addresses this issue. The specification should now be unobjectionable.

P-7109

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Submitted herewith is a Supplemental Information Disclosure Statement citing U.S. Patent No. 4,711,251 issued to Stokes. The pertinence of this reference is discussed in the attached Information Disclosure Statement.

Respectfully submitted,

Casas-Bejar et al,
By their attorneys,

Date

2/1/00


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